

Idaho Supreme Court

Application for Inclusion on Supreme Court's Roster of Qualified Capital Defense Counsel

I herewith apply for inclusion on the Supreme Court roster for qualified capital defense counsel under Rule 44.3, Idaho Criminal Rules. Check box or boxes that apply:

- ☐ Lead counsel for trials. (See Section A)
- ☐ Lead counsel for appeals and post-conviction cases. (See Sections A and D)
- ☐ Alternate basis for qualifying for lead counsel for trials. (See Section C)
- ☐ Alternate basis for qualifying for lead counsel for appeals and post-conviction cases. (See Section E)
- ☐ Co-counsel for trials. (See Section B)
- ☐ Alternate basis for qualifying as co-counsel for trials. (See Section C)

GENERAL

Name: _____ Office Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Fax Numbers: (____) _____

E-Mail Address: _____ Idaho State Bar No.: _____

Firm Name / Public Defender Office: _____

Size of law firm / PD office: _____

Support staff, if any, available to work on capital case (investigators, paralegals, etc.):

Year admitted to practice:

In Idaho: _____ In any other state (name other state): _____

Has any disciplinary action been taken against you by any jurisdiction, including but not limited to disbarment, suspension or reprimand? If so, state the nature of the charge involved and the full facts, including documents verifying the disposition of the matter and the name and address of the person or agency in possession of the permanent records.

☐ Yes ☐ No

In which districts or counties would you like to be considered for appointment as trial counsel in capital cases: _____

Please attach a recent resume or a brief chronology of your legal employment to date.

Please attach a list of four references, including one prosecutor, one defense attorney and one judge.

State the approximate percentage of your practice devoted to:

☐ Criminal Cases _____% ☐ Civil Cases _____%

A. LEAD COUNSEL FOR TRIALS (I.C.R. 44.3(3)(a)(1), 44.3(b)(1))

NOTE: Attorneys who qualify as lead counsel for trials are automatically included on the roster of lead counsel for appeal and post-conviction cases. If you wish to qualify solely as lead counsel for appeals and post-conviction cases independent of the lead counsel for trials category, please complete section D. LEAD COUNSEL FOR APPEAL/POST-CONVICTIONS.

1. Training. I have attended and successfully completed at least _____ hours of Idaho State Bar approved training or education programs which focus on capital cases within the two-year period immediately preceding the date of this application, and herewith attach a statement showing the date, sponsor, and description of the training or education program and evidence of Idaho State Bar approval.
2. Experience.
 - (a) I am an active trial practitioner with _____ years litigation experience in criminal defense or prosecution.

Percentage of Experience in Criminal Defense _____%	Percentage of Experience in Criminal Prosecution _____%
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 - (b) I have served as lead counsel in no fewer than _____ felony jury trials of cases which were tried to completion.
 - (c) I have served either as lead counsel or co-counsel in _____ case(s) in which the death penalty might have been imposed and which was/were tried to completion or served as lead counsel in the sentencing phase of _____ death penalty case(s). "Tried to completion" means tried before a jury, after which trial the defendant was convicted and sentenced, or acquitted.

(d) With regard to your criminal litigation experience, please state:

(1) The approximate number of felony criminal cases which you tried to completion, including the number of jury trials involving a murder prosecution.

(2) The case names, case number, jurisdictions, and courts of at least five of the above cases.

(e) Please list, by case name and number, your three most recent jury trials in which you appeared as counsel of record.

(f) Please describe any criminal law experience not referenced above.

(g) Are you familiar with the rules of practice and procedure of the courts of the state of Idaho which are applicable to criminal cases, including the Idaho Criminal Rules and Idaho Rules of Evidence?

☐ Yes

☐ No

Describe briefly how you came to be familiar with these rules.

(h) Are you experienced in the utilization of expert witnesses and evidence, including psychiatric and forensic evidence? If so, please describe from 1 to 3 significant examples of your experience, including the case name and number, jurisdiction and a summary of the issues involved.

☐ Yes

☐ No

B. CO-COUNSEL FOR TRIALS (I.C.R. 44.3(3)(a)(2))

1. Training. I have attended and successfully completed at least _____ hours of Idaho State Bar approved training or education programs which focus on capital cases within the two-year period immediately preceding the date of this application and herewith attach a statement showing the date, sponsor, and description of the training or education program and evidence of Idaho State Bar approval.

2. Experience.

(a) I am an active trial practitioner with _____ years litigation experience in criminal defense or prosecution.

Percentage of Experience
in Criminal Defense _____%

Percentage of Experience
in Criminal Prosecution _____%

(b) I have prior experience as lead counsel in _____ felony jury trials which were tried to completion.

(c) With regard to your criminal litigation experience, please state:

(1) The approximate number of jury trials involving a murder prosecution.

(2) The case name, number, jurisdictions, and courts for at least three of the above cases.

(d) Please list, by case name and number, the two most recent jury trials in which you appeared as counsel of record.

(e) Are you familiar with the rules of practice and procedure of the courts of the state of Idaho which are applicable to criminal cases, including the Idaho Criminal Rules and Idaho Rules of Evidence?

☐ Yes

☐ No

Describe briefly how you came to be familiar with these rules.

(f) Are you experienced in the utilization of expert witnesses and evidence, including psychiatric and forensic evidence? If so, please describe at least one significant examples of your experience, including the case name and number, jurisdiction and a summary of the issues involved.

☐ Yes

☐ No

C. ALTERNATIVE BASIS FOR QUALIFYING AS LEAD COUNSEL OR CO-COUNSEL FOR TRIALS
(I.C.R. 44.3(3)(a)(3))

1. Please describe your criminal trial experience, including any death penalty cases you have participated in as lead counsel or co-counsel. Include the case name, case number, jurisdiction, and court of any death penalty cases you describe.
2. Please describe your civil litigation experience.
3. Please describe your specialized post-graduate training in the defense or prosecution of persons accused of capital crimes.
4. Please describe the availability of ongoing consultation support from experienced death penalty counsel.

D. LEAD COUNSEL FOR APPEAL / POST-CONVICTIONS (I.C.R. 44.3(3)(b)(1))

NOTE: Attorneys who qualify as lead counsel for trial are automatically included on the roster of lead appeal and post-conviction counsel. If you seek to qualify as lead appeal counsel / post-conviction counsel independent of the lead counsel for trials designation, please provide the following information:

1. I have attended and successfully completed at least _____ hours of Idaho State Bar approved training or education programs which focus on capital cases within the two-year period which immediately precedes the date of this application. Please attach a statement showing the date, sponsor, and description of the training or education program, and evidence of Idaho State Bar approval.

2. I am an active post-conviction and appellate practitioner with at least _____ years experience in criminal defense or prosecution.

Percentage of Experience
in Criminal Defense _____%

Percentage of Experience
in Criminal Prosecution _____%

3. I have served as court appointed or retained counsel in the appeal or the post-conviction reviews of _____ case[s] in which the death penalty was imposed, and/or served as counsel in a _____ habeas corpus death penalty case[s] in federal court.

4. With regard to your criminal appellate and post-conviction experience, please state:

(a) The approximate number of appeals in which you appeared as counsel of record, including the number of appeals involving a murder conviction and the number involving a death penalty conviction;

(b) The approximate number of post-conviction proceedings in which you appeared as counsel of record and which resulted in an evidentiary hearing, including the number of proceedings involving a murder conviction and the number involving a death penalty conviction;

(c) The number of oral arguments on appeal and post-conviction appeals in which you participated; and

Please list, by case name and number, the five most recent appeals and post-conviction proceedings in which you appeared as counsel of record, including any particularly significant cases that you have handled.

With regard to criminal appellate and post-conviction experience, please submit one writing sample, preferably recent appellate briefs in criminal appeals, in which you were the primary or sole author. If possible, please submit a writing sample involving a homicide.

5. Are you familiar with the rules of practice and procedure of the courts of the state of Idaho which are applicable to criminal appeals, including the Idaho Appellate Rules and Idaho Rules of Evidence?

☐ Yes

☐ No

Describe briefly how you came to be familiar with these rules.

- ☐
- Yes
- ☐
- No

1. Please describe your criminal trial experience including any appeals or post-conviction proceedings involving death penalty conviction. Include the case name, jurisdiction, and court of any death penalty conviction appeals, or post-conviction proceeding(s) you describe.
2. Please describe your civil litigation experience.
3. Please describe your specialized post-graduate training in the defense or prosecution of persons accused of capital crimes.
4. Please describe the availability of ongoing consultation support from experienced death penalty counsel.

Signature: _____
(Print or type name below signature)

State of _____)
) ss.
County of _____)

I am the applicant who has signed this application for the placement of my name on the roster of attorneys who have been determined to be qualified to represent needy defendants in capital cases maintained by the Idaho Supreme Court in accordance with Rule 44.3 of the Idaho Rules of Criminal Procedure. By signing this application, I certify that I have fulfilled the requirements of said rule for placement on the roster in the category under which I have applied.

I fully realize that the determination as to whether I am placed on the Supreme Court's roster of qualified capital defense counsel under Rule 44.3, I.C.R., depends on the truth and completeness of my answers as set forth in this application and any statements attached. To my knowledge, the answers and information which I have supplied in connection with this application are true and complete.

Date: _____ Applicant's Signature _____

Subscribed and sworn to before me this _____ day of _____, 20____.

(SEAL)

Notary Public for _____
Residing at _____
My Commission Expires _____